

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **SHERRY WEINKAUF; VILLAGE CLERK**

ITEM DESCRIPTION: **ORDINANCE NO. 15-015 AN ORDINANCE TO AMEND CHAPTER 10 ANIMALS, ARTICLE III, HUNTING, SECTION 10.301 ENTITLED PERMITTED ACTIVITY ZONES**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, AUGUST 3, 2015**

POLICY QUESTION: Should the Board of Trustees approve an amendment to Chapter 10 Animals, Article III, Hunting, Section 10.301 Permitted Activity Zones.

RECOMMENDATION TO: I make a motion to approve an amendment to Chapter 10 Animals, Article III, Hunting, Section 10.301 Permitted Activity Zones of the Village of Weston ordinances.

LEGISLATIVE ACTION:

- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Acknowledge/Approve | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Expenditure | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution |
-
-

FISCAL IMPACT ANALYSIS:

- Budget Line Item: N/A
- Budget Line Item: _____
- Budgeted Expenditure: _____
- Budgeted Revenue: _____
-
-

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: _____
- WI Administrative Code: _____
- Case Law / Legal: _____
- Municipal Code: Chapter 10 - Animals
- Municipal Rules: _____
-
-

PRIOR REVIEW:

The Community Life and Public Safety Committee considered the amendment to this ordinance at their meeting held on July 27th. After a short discussion the Committee recommended the Board of Trustees approve the amendment to the hunting ordinance.

BACKGROUND:

The permitted activity zones in the hunting ordinance referred to the old zoning district designations. A new zoning code was recently adopted with new zoning districts. Section 10.301 of the hunting ordinance no longer needs to coincide with the zoning districts. The ordinance needs to be amended to eliminate any zoning code district references. Once the new ordinance is adopted it will only refer to the official hunting map and not the zoning code.

Supplemental Briefer for Agenda Items under Consideration?

Attachments

ARTICLE III. HUNTING

Sec. 10.300. Definitions.

(a) *Hunt or hunting* includes shooting, shooting at, pursuing, taking, capturing or killing or attempting to capture or kill any wild animal, bird or waterfowl.

(b) *Zones* are defined as:

- (1) *Archery zones* includes bows, and cross bows (as permitted by the Wisconsin Department of Natural Resources).
- (2) *Non-restrictive* includes: shotguns of all types; bows and cross bows (as permitted by the Wisconsin Department of Natural Resources); non-cartridge black powder (or substitute) firing rifles, shotguns or pistols; cartridge firing rifles, shotguns or pistols.

(Ord. of 7-1-2002, § 1, Ord. of 3-18-2005, Ord. of 8-8-2008, Ord. of 8-23-2014)

Sec. 10.301. Permitted activity zones.

(a) *Map*. ~~All "zones"~~ The non-restrictive zone shall be as depicted on the most current official "Village of Weston Non-restrictive Designated Hunting Zone Maps" created August 2014 July 2015 or its successor. ~~Hunting methods must conform to the restrictions upon that map.~~

~~(1) Any parcel which is contained within the "Non-restrictive" zone on the most current Village of Weston Non-restrictive Hunting Zone Map is eligible for non-restrictive hunting as per the definition of Sec. 10.300(b)(2). ~~zoned AG (Agriculture), RR-10 (Rural residential, 10 acres) RR (Rural Residential), WPD (Wetland Protection District) or mapped as Shoreland Wetland and has any of the following overlay districts: Institutional, Public Service may not be considered in the "Non-Restrictive" zone.~~~~

(b) *Conformity*. All hunting shall be in conformity with Wisconsin State Statute Chapter 29 "Wild Animals and Plants" and regulations as established by the Wisconsin Natural Resources Code NR 10, and United States Fish and Wildlife Agency.

All hunting shall be in conformity with the uses permitted according to Chapter 94 (Zoning) and Chapter 54 (Offenses and Miscellaneous Provisions) of the Municipal Code of the Village of Weston.

(c) *Bow and crossbow hunting – Restrictions*. Bow and crossbow hunting are permitted throughout the village, but not on any municipality owned or leased land, and not within 100 yards of any permanent building or structure used for human occupancy on another person's land. This distance restriction does not apply if the person who owns

the land on which the building or structure is located allows the hunter to hunt within 100 yards of the building or structure. All bows and crossbows shall be discharged toward the ground (e.g. from a tree stand).

(d) *Special permits.* In *Archery Zones*, special permits for unrestricted small game, waterfowl, and large game hunting may be granted upon application to the Village Board through the Village of Weston Community Life & Public Safety Committee. Such permits shall be valid from July 1 to June 30 of each year and shall cover the Wisconsin small game season, waterfowl season, and big game hunting season including "special" seasons. Small game and waterfowl season hunting restrictions shall also apply to these permits.

Archery zoned *Special Permits* shall be restricted to; rimfire rifles and handguns; air rifles; and shotguns firing shot size and type as permitted by the Wisconsin Department of Natural Resources.

(1) Applications for *Special Hunting Permit(s)* shall be submitted to the Village of Weston Community Life & Public Safety Committee for their review and recommendation at the next available meeting.

The application will be reviewed by the Community Life & Public Safety Committee to assess the location of the area to be hunted, the terrain, vegetation density, its proximity to; residences, businesses, schools, commercial structures, public parks, major roadways, and the probability of stray shots striking persons, or structures.

The Village Board of the Village of Weston shall have the final authority to grant or deny such permits.

An applicant may appeal the denial of a special hunting permit to the Village of Weston, Village Board.

(2) Applicants must own, lease, or have written permission from the owner of a parcel of land located in one of the "archery zones" as delineated in the official "Village of Weston Designated Hunting Zones" created August 2014 or its successor.

(3) That parcel of land must be zoned AG (Agriculture) greater than or equal to a nominal 20 (twenty) acres, RR-10 (Rural Residential, 10 acres) greater than or equal to a nominal 10 (ten) acres, RR (Rural Residential) greater than or equal to 2.75 (two and three quarters) acres but less than 20 (twenty) acres, WPD (Wetland Protective District) no minimal size or mapped as Shoreland-Wetland greater than or equal to 5 (five) acres. Changes in zoning which remove the permitted parcel from any of the above listed zones shall render the permit null and void.

(Ord. of 7-1-2002, § 1, Ord. of 3-18-2005, Ord. of 8-8-2008; Ord. of 4-20-2012; Ord. of 5-25-2012, Ord. of 8-23-2014)

Sec. 10.302. Enforcement and penalties.

(a) *Enforcement.* Enforcement of the provisions of this section shall fall under the jurisdiction of the Everest Metropolitan Police Department, Marathon County Sheriff's Department.

(b) *Penalties.* Any person violating this section shall, upon conviction, forfeit not less than thirty dollars (\$30.00), or not more than five hundred dollars (\$500.00).

(Ord. of 7-1-2002, § 1, Ord. of 3-18-2005, Ord. of 8-8-2008)



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-015

**AN ORDINANCE TO AMEND CHAPTER 10 ANIMALS, ARTICLE III, HUNTING, SECTION 10.301
ENTITLED PERMITTED ACTIVITY ZONES**

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Section 10.301 of the Village Of Weston Ordinances is hereby amended follows:

ARTICLE III. HUNTING

Sec. 10.301. Permitted activity zones.

(a) *Map.* The non-restrictive zone shall be as depicted on the most current official "Village of Weston Non-restrictive Hunting Zone Map" created July 2015 or its successor. Any parcel which is contained within the "Non-restrictive" zone on the most current Village of Weston Non-restrictive Hunting Zone Map is eligible for non-restrictive hunting as per the definition of Sec. 10.300(b)(2).

(b) *Conformity.* All hunting shall be in conformity with Wisconsin State Statute Chapter 29 "Wild Animals and Plants" and regulations as established by the Wisconsin Natural Resources Code NR 10, and United States Fish and Wildlife Agency.

All hunting shall be in conformity with the uses permitted according to Chapter 94 (Zoning) and Chapter 54 (Offenses and Miscellaneous Provisions) of the Municipal Code of the Village of Weston.

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(Ord. of 7-1-2002, § 1, Ord. of 3-18-2005, Ord. of 8-8-2008; Ord. of 4-20-2012; Ord. of 5-25-2012, Ord. of 8-23-2014; Ord. No. 15-015 of 8-xx-2015)

SECTION 2:

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 3:

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4:

This Ordinance shall take effect and be in full force and effect from and after its passage and publication or posting as required by law.

VILLAGE BOARD, VILLAGE OF WESTON

By: _____
Barb Ermeling, Village President

ATTEST:

Sherry Weinkauff, Village Clerk

ADOPTED: _____

PUBLISHED: _____

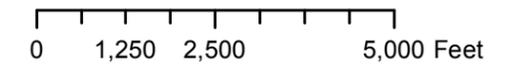
Village of Weston Hunting Map



Hunting Zones for 2014



Date: August 01, 2014
Created by the Village of Weston
Tech. Services Department



Legend

- Surface Water
- Bow only
- Non Restricted Hunting

